

# Vinson&Elkins

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November 27, 2013

**VIA ECF**

Catherine O'Hagan Wolfe  
Clerk of Court  
United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *U.S. Commodity Futures Trading Ass'n et al. v. Parnon Energy Inc. et al.*,  
No. 13-4206; *In re: Crude Oil Commodities Futures Litig.*, No. 13-4263  
Scheduling Notification

Dear Ms. Wolfe:

I write on behalf of Appellant Plains All American Pipeline, LP ("Plains") pursuant to Local Rule 31.2 of this Court. On November 13, 2013, Plains filed a motion for expedited appeal and stay pending appeal ("motion") in the above-referenced matters. *See* No. 13-4206, Doc. 22; No. 13-4263, Doc. 12.

A decision on Plains's pending motion has not yet issued. The Court is scheduled to consider that motion on December 5, 2013. *See* No. 13-4206, Doc. 62; No. 13-4263, Doc. 46. In the event that the Court denies Plains's request for expedited briefing, Plains accepts, in the alternative, the default 40-day deadline in Local Rule 31.2(a)(1)(A). Plains filed Form D, certifying that there is no additional transcript to order, on November 13, 2013. *See* No. 13-4206, Doc. 20; No. 13-4263, Doc. 10. Accordingly, by operation of Local Rule 31.2, the due date for Plains's opening briefs would fall on December 23, 2013, if the appeals are not later placed on an expedited briefing schedule.

Please do not hesitate to contact me should you have any questions. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Hilary L. Preston

Hilary L. Preston  
Counsel for Appellant  
Plains All American Pipeline, LP

cc: All Counsel of Record

**CERTIFICATE OF SERVICE**

I hereby certify that on the date hereof, the above scheduling notice letter was filed using the Court's CM/ECF system, which served a copy of the document on all counsel of record.

*/s/ Hilary L. Preston*\_\_\_\_\_

*Counsel for Appellant  
Plains All American Pipeline, LP*